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Matsui Asks House Leadership to Revise ‘Earmark’ Policies That Are Jeopardizing Public Safety

Current Policy Is Not Flexible Enough to Allow Congressional Authorization of Critical Flood Protection Projects

WASHINGTON, D.C. – Congresswoman Doris O. Matsui (CA-05) sent a letter Tuesday to the House Speaker John Boehner and Minority Leader Nancy Pelosi asking for a change and offering solutions to the current “earmark” policy, put in place by House Republicans at the start of the 112th Congress in January. The current House rules make it impossible for Congressional authorization of critical infrastructure projects, such as levee improvements in Natomas and other parts of the nation. The House rules have been written so broadly that authorization of new projects – despite the fact that many have fulfilled local and state funding match requirements and have been thoroughly reviewed and supported by federal agencies – are prohibited from being brought forward. As a result, hundreds of thousands of residents in affected areas across the country are having their safety put at risk.

“In order to allow the construction of much needed flood protection projects, I respectfully ask that you engage in a bipartisan process to redefine ‘earmarks’ to allow fully vetted projects to be authorized and funded,” Matsui writes in her letter. “The current policy on ‘earmarks’ is having profound detrimental effects on activities that create jobs, promote economic development and provide public safety benefits,” it continues. “Congressional leadership should revise the earmark policy and provide clear direction to the appropriate committees to get fully vetted projects moving.”

Congresswoman Matsui has been a vocal advocate for reconsideration of this policy because of the harmful impact it has on the Sacramento region. Matsui’s letter to House leadership builds upon her efforts to have House leadership reform their policies so that cost-effective, high-priority public safety projects that also have enormous job creating potential are not

held-up as part of an umbrella policy against Congressional “earmarks.” Matsui’s letter also lays out two possible approaches to reforming the “earmark” policy to allow for Congressional authorization of necessary projects, without abandoning the intent of the rules.

“Much has been made in recent months about how Congress and the Administration should act to modify federal rules and regulations in order to encourage job growth,” Matsui said. “I believe Congress must also act to modify its own rules to create jobs and improve public safety. Congress can do this by modifying earmark rules to allow flood protection projects to move forward.”

The signed letter is available by clicking [here](#).

The full text of Matsui’s letter is below:

November 1, 2011

Dear Speaker Boehner and Leader Pelosi,

As Congress focuses on a sustained economic recovery, reducing the deficit and the federal government’s core role in providing for public safety, I urge you to revise current House Rules that are preventing Congress from responding to urgent public safety needs across the nation. I believe these matters are integral to the House of Representatives as a body and deserve your attention. Specifically, in order to allow the construction of much needed flood protection projects, I respectfully ask that you engage in a bipartisan process to redefine “earmarks” to allow fully vetted projects to be authorized and funded.

This year’s floods are a reminder of the destructive force of Mother Nature and the economic consequences that these disasters can have. It also is a reminder that properly planned, maintained and operated flood protection systems can save countless lives and protect property. It is estimated that flooding in 2011 has caused between \$4 and \$6 billion in damages to our economy. Improvements to our nation’s levees and other flood protection infrastructure are necessary to create jobs now and to save lives and property in the future.

Unfortunately, it has been four years since the last Water Resources Development Act was passed by Congress. Since then, 11 infrastructure investments across the nation have been studied by the U.S. Army Corps of Engineers and recommended by the Administration through a report by the Chief of Engineers, commonly referred to as a Chief’s Report. All these reports await Congressional authorization.

One such project with a Chief’s Report and the endorsement of the Assistant Secretary of the Army (Civil Works) on behalf of the Administration is the Natomas Basin component of the American River Watershed (Common Features) project in Sacramento, also known as the Natomas Levee Improvement Program (NLIP). Levee deficiencies were found in the area in 2006 and the area was remapped by FEMA in 2008. The Corps of Engineers has said the area has a level of flood protection of below 1 in 33 years, a third of the minimum national standard of 1 in 100 years. The area to be protected by the project is heavily urbanized, home to over 100,000 people, two interstate highways and the Sacramento International Airport. The Corps of Engineers has developed a levee improvement plan that would reduce 96 percent of expected flood damages, return an average of \$502 million in annual economic benefits and has a benefit to cost ratio of 6 to 1. Local taxpayers have voted to tax themselves on two separate occasions to pay for the improvements.

In the absence of timely federal participation in construction, the state and local governments have already begun construction and will have spent upwards of \$350 million on the project by the end of this year. However, without federal authorization and further federal support construction will come to a halt. Federal authorization and the subsequent construction of the project would create over 2,500 well-paying private sector construction jobs, at a time the unemployment rate in Sacramento is over 12%.

Even though there are a number of flood protection projects across the nation that fully satisfy all federal criteria and are recommended by the Corps, the current Congressional ban on “earmarks” unnecessarily prohibits Congress from authorizing the Corps to proceed. The current policy on “earmarks” is having profound detrimental effects on activities that create jobs, promote economic development and provide public safety benefits.

Congressional leadership should revise the earmark policy and provide clear direction to the appropriate committees to get fully vetted projects moving. One approach, that I believe will have bipartisan support, involves the following:

- **Authorization of federal projects** - Modify Congressional rules to retain the restrictions on “earmarks” except where formal, established federal guidelines and requirements have been fully met and documented in an Executive Branch report to Congress.
- **Appropriation of federal funds for projects** - Modify Congressional rules to retain the restrictions on “earmarks” except where federal agencies have identified a valid expenditure within established funding procedures and a capability to productively expend the funds and this is documented in a report to Congress by the federal agency.

While I believe the above concepts would result in the discipline and balance that is needed, I appreciate that there may be other ways to accomplish true “earmark” reform. I look forward to working with you and our colleagues in the House in a bipartisan manner to address responsible earmark reform to ensure critical public safety challenges are met.

Sincerely,

DORIS O. MATSUI
Member of Congress

CC: The Honorable John L. Mica, Chairman, House Transportation & Infrastructure Committee
The Honorable Nick J. Rahall, II, Ranking Member, House Transportation & Infrastructure Committee
The Honorable Harold Rogers, Chairman, House Appropriations Committee
The Honorable Norm Dicks, Ranking Member, House Appropriations Committee

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Congresswoman Matsui has been a consistent advocate for federal authorization of the

Natomas Levee Improvement Project (NLIP), including [introducing legislation](#) , H.R. 433, the Natomas Basin Flood Protection Improvements Act, that would provide the Congressional authorization of the NLIP. In August, she

[sent a letter](#)

to President Barack Obama asking that federal authorization for the NLIP be included in the Administration’s jobs package. In May, she

[sent a letter](#)

to Chairman Mica and Ranking Member Rahall requesting that the NLIP be included in an upcoming WRDA legislation.

To learn more about Congresswoman Matsui’s efforts to increase Sacramento’s flood protection levels, please visit www.matsui.house.gov/floodprotection .